

Message

From: Tuori, Thomas [ttuori@hselaw.com]
Sent: 8/8/2017 6:08:47 PM
To: Daly, Eric [Daly.Eric@epa.gov]; 'JGrace122@roadrunner.com' [JGrace122@roadrunner.com]; 'sam.talarico@cbintegrity.com' [sam.talarico@cbintegrity.com]
CC: Lisichenko, Peter [lisichenko.peter@epa.gov]; Ludmer, Margo [ludmer.margo@epa.gov]
Subject: RE: 738 Upper Mountain Road-Assessment August 11, 2017 @ 8:00 AM

Thank you for the update.

Tom



Thomas M. Tuori

Harter Secrest & Emery LLP, Attorneys and Counselors
1600 Bausch & Lomb Place, Rochester, NY 14604-2711
Firm 585.232.6500 Direct 585.231.1449 Fax 585.232.2152
ttuori@hselaw.com [vCard](#) [Bio](#)
www.hselaw.com

This e-mail message is from a law firm and may contain information that is privileged or confidential. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail at ttuori@hselaw.com or by calling 585.231.1449, so that our address record can be corrected.

From: Daly, Eric [mailto:Daly.Eric@epa.gov]
Sent: Tuesday, August 08, 2017 1:57 PM
To: 'JGrace122@roadrunner.com'; 'sam.talarico@cbintegrity.com'; Tuori, Thomas
Cc: Lisichenko, Peter; Ludmer, Margo
Subject: 738 Upper Mountain Road-Assessment August 11, 2017 @ 8:00 AM
Importance: High

Good Afternoon:

We wanted to inform everyone that we have coordinated dates/times with Mr. Grace to perform gamma survey assessment in his home as well as radon canister drop/pick up. We will perform the gamma survey and radon canister drop off this Friday, August 11th at 8:00 AM. The pickup of the canisters will be Monday, August 14th in the morning after 8 AM.

Thanks

Regards,

Eric M. Daly

On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II
ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
908-420-1707

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

From: Daly, Eric
Sent: Thursday, July 13, 2017 1:13 PM
To: JGrace122@roadrunner.com; sam.talarico@cbintegrity.com; ttuori@hselaw.com
Subject: 738 Upper Mountain Road Status
Importance: High

Good Afternoon:

EPA activities at the Niagara Falls Boulevard site have been suspended for the time being due to the uncertainty with the current budget situation. Funding to complete all of the work, rather than incremental funding, is preferred in order to avoid shutdown and start-up costs, security costs and other maintenance costs that would accrue in between periods of work. Thus, demobilization starting on July 31, 2017 is the approach I am being instructed to take. Please let me know if you have any questions or concerns.

Active site work at other Niagara County radiological sites will also be on hold for the time being.

- At the Holy Trinity Cemetery site, EPA needs to finalize its official decision document on the cleanup work. Additional fencing will be installed around areas of concern in Areas 2 & 4. This is tentatively planned for the two week tour starting July 31, 2017.
- **At the 738 Upper Mountain Road, the EPA is still determining if it is eligible for a removal. Property Owners and legal counsel will be contacted once this determination is made.**

For NFB, HTC and **738 Upper Mountain Road:**

We will instruct property owners to inform EPA if any of the existing control measures have been compromised, including:

- Asphalt pavement as a protective shield
- Fencing
- Indications of vandalism
- Utilities work that involves digging in areas of concern
- Change in occupancy or use of property

EPA's Buffalo Area On-Scene Coordinator (**Peter Lisichenko**) will periodically inspect the control measures at each site.

EPA's Buffalo Area Public Affairs Official (**Mike Basile**) will respond to public questions and concerns and work with NYSDEC Public Affairs

At NFB, the risk to workers and public have been decreased due to removal of material from an office area in GNBC, removal of material from Area 5, sealing off pot holes in the parking lot as well as securing a fence in Area 7.

At HTC, the risk to workers and public have been decreased due to a permanent chain link fence being installed around the perimeter of Area 1, high visibility fence being installed around Areas 2 and 4, and a radon mitigation being installed inside of an Area 5 residence. We will also be installing fencing around piles of slag in Areas 2 & 4.

At 738 UMR, the only area of concern identified was the end of the driveway and is not likely to present an immediate exposure risk.

Regards,

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II
ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
908-420-1707

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin